

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Notification

1-41-74-Div. I (Vol. II)

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. 1/29/68-CP dated 29th June, 1968, the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to recruitment to Group 'A' Gazetted posts of Deputy Director of Education and Educational Inspector/Inspector of Schools in the Directorate of Education under the Government of Goa, Daman and Diu.

1. **Short title.**—These rules may be called Government of Goa, Daman and Diu, Directorate of Education Group 'A' Gazetted posts of Deputy Director of Education and Educational Inspector/Inspector of Schools Recruitment Rules, 1978.

2. **Application.**—These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.**—The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.**—The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time;
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule;
- (c) *Saving:* Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date.

6. These rules are issued in supersession of the rules existing for the posts and with the approval of the U.P.S.C. granted under their letter No. F.3/29(11)/74-RR dated 19-10-1978.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. J. Menezes, Under Secretary (Personnel).

Panaji, 31st October, 1978.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment, by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a DPC exists, what is its composition	Circumstances in which U. P. S. C. is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
Dy. Director of Education.	2	General Central Service Group 'A' Gazetted.	Rs. 1300-50-1700.	Selection	Not exceeding 50 years (Relaxable for Govt. servants).	<p><i>Essential:</i></p> <p>i) At least Second Class Master's degree of a recognised University or equivalent.</p> <p>ii) Degree in teaching/education of a recognised University or equivalent.</p> <p>iii) 12 years' teaching experience in a High-/Higher Secondary School or a Teachers' Training Institute, including at least 5 years' experience in a responsible administrative capacity.</p>	Age: No Qls: To the extent indicated in column 11.	Two years	By promotion falling which by transfer on deputation and failing both by direct recruitment.	<p><i>Promotion:</i></p> <p>Educational Inspectors / Inspectors of Schools with 3 years service in the grade rendered after appointment thereto on a regular basis and possessing a Master's Degree and Degree in Education of a recognised University or equivalent.</p> <p><i>Transfer on deputation:</i></p> <p>Officers of the Central/State Government holding analogous posts.</p> <p>(Period of deputation shall ordinarily not exceed 3 years).</p>	<p>Group 'A' D.P.C. comprising.</p> <p>1. Chairman or a Member UPSC—Chairman.</p> <p>2. Chief Secretary — Member.</p> <p>3. Administrative Secretary — Member.</p>	The Commission shall be consulted in making direct recruitment promotion and appointing an officer of a State Govt. on deputation.

OR

9 years' experience in the field of Educational Administration in a responsible administrative capacity.

Note 1: Qualifications are relaxable at the Commission's discretion in case of candidates otherwise well qualified.

Note 2: The qualification regarding experience is relaxable at the Commission's discretion in case of candidates belonging to Scheduled Castes or Scheduled Tribes if, at any stage of selection, the Union Public Service Commission is of the opinion that

sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.

Desirable:

Knowledge of Marathi, Konkani or Gujarathi.

Educational Inspector/Inspector of Schools.	4	General Central Service Group 'A' Gazetted.	Rs. 1200-50-1600.	Selection	Not exceeding 45 years (Relaxable for Govt. servants).	<p><i>Essential:</i></p> <ol style="list-style-type: none"> At least Second Class Master's degree of a recognised University or equivalent. Degree in teaching/education of a recognised University or equivalent. 10 years' teaching experience in a High / Higher Secondary School or a Teachers' Training Institute, including at least 3 years' experience in a responsible administrative capacity. <p><i>Note:</i> The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than those in Andaman & Nicobar Islands and Lakshadweep).</p>	Age: No Qls: To the extent indicated in column 11.	Two years	By promotion failing which by transfer on deputation and failing both by direct recruitment.	<i>Promotion:</i>	<ol style="list-style-type: none"> Deputy Inspector of Schools. Principal, Teachers' Training College/Higher Secondary School. Social Education Officer and Education Officer with 2 years' service in the grade rendered after appointment thereto on a regular basis and possessing a Master's Degree and Degree in Education of a recognised University or equivalent. 	<p><i>Group 'A' D.P.C. comprising:</i></p> <ol style="list-style-type: none"> Chairman or a Member UPSC—Chairman. Chief Secretary—Member. Administrative Secretary—Member. 	<p><i>The Commission shall be consulted in making direct recruitment and appointing an officer of a State Govt. on deputation.</i></p>
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Transfer on deputation:

Officers of the Central/State Governments holding analogous posts. (Period of deputation shall ordinarily not exceed 3 years).

OR

7 years' experience of Educational Administration in a responsible administrative capacity.

Note 1: Qualifications are relaxable at the Commission's discretion in case of candidates otherwise well qualified.

Note 2: The qualification regarding experience is relaxable at the Commission's discretion in case of candidates belonging to Scheduled Castes or Scheduled Tribes if, at any stage of selection, the Union Public Service Commission is of the opinion that

Industries and Labour Department

Notification

1/292/75/-LAB

Whereas the Lt. Governor of Goa, Daman and Diu is satisfied that it is necessary in the public interest that the Industry engaged in the production, supply and distribution of petroleum and petroleum products should be declared as Public Utility Service for the purpose of Industrial Disputes Act, 1947 (No. 14 of 1947).

Now, therefore, in exercise of the powers conferred under sub-clause (vi) of Clause (n) of Section 3 of the said Act, the Lt. Governor of Goa, Daman and Diu hereby declares the industry engaged in the supply and distribution of petroleum products to be public utility service for the purposes of the said Act for a period of six months with effect from 1st October, 1978.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

G. M. Sardesai, Under Secretary, Industries and Labour.

Panaji, 31st October, 1978.

Law Department (Legal Advice)

Notification

LD/5769/78

The following Ordinance which was promulgated by the President of India on 3rd October, 1978 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 31st October, 1977.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 3rd October, 1978/Asvina
11, 1900 (Saka)

THE ADDITIONAL DUTIES OF EXCISE
(TEXTILES AND TEXTILE ARTICLES)
ORDINANCE, 1978

No. 4 of 1978

Promulgated by the President in the Twenty-ninth Year of the Republic of India.

An Ordinance to provide for the levy and collection of additional duties of excise on certain textiles and textile articles.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause, (1) of article 123 of the Constitution, the

sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.

Desirable:

- i) Experience as an Inspecting Officer in the field of Education.
- ii) Knowledge of Marathi, Konkani or Gujarathi.

President is pleased to promulgate the following Ordinance: —

1. *Short title and commencement.* — (1) This Ordinance may be called the Additional Duties of Excise (Textiles and Textile Articles) Ordinance, 1978

(2) It shall come into force on the 4th day of October, 1978.

2. *Definitions.* — In this Ordinance, "cotton fabrics", "silk fabrics", "woollen fabrics", "man-made fabrics" and "wool tops" shall have the meanings respectively assigned to them in Items Nos. 19, 20, 21, 22 and 43 of the First Schedule to the Central Excises and Salt Act, 1944.

1 of 1944

3. *Levy and collection of additional duties of excise on certain textiles and textile articles.* — (1) When goods of the description mentioned in the Schedule chargeable with a duty of excise under the Central Excises and Salt Act, 1944 read with any notification for the time being in force issued by the Central Government in relation to the duty so chargeable, are assessed to duty, there shall be levied and collected a duty of excise equal to ten per cent. of the total amount so chargeable on such goods.

1 of 1944

(2) The duties of excise referred to in sub-section (1) in respect of the goods specified in the Schedule shall be in addition to the duties of excise chargeable on such goods under the Central Excises and Salt Act, 1944, or any other law for the time being in force and shall be levied for the purposes of the Union and the proceeds thereof shall not be distributed among the States.

1 of 1944

(3) The provisions of the Central Excises and Salt Act, 1944, and the rules made thereunder, including those relating to refunds and exemptions from duties, shall, so far as may be, apply in relation to the levy and collection of the duties of excise leviable under this section in respect of any goods as they apply in relation to the levy and collection of the duties of excise on such goods under that Act or those rules.

1 of 1944

THE SCHEDULE

(See section 3)

S. No.	Description of goods
(1)	(2)
1.	Man-made fibres, other than mineral fibres, man-made filament yarns, cellulosic spun yarn and non-cellulosic wastes, all sorts as described in Item No. 18 I, 18 II, 18 III and 18 IV respectively of the First Schedule to the Central Excises and Salt Act, 1944.
2.	Cotton yarn, all sorts as described in Item No. 18A of the First Schedule to the Central Excises and Salt Act, 1944.
3.	Woollen and acrylic spun as described in Item No. 18B of the First Schedule to the Central Excises and Salt Act, 1944.

(1)

(2)

4. Non-cellulosic spun yarn as described in Item No. 18E of the First Schedule to the Central Excises and Salt Act, 1944.
5. Cotton fabrics.
6. Silk fabrics.
7. Woollen fabrics.
8. Man-made fabrics.
9. Wool tops.

N. SANJIVA REDDY,
President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

Notification

LD/5019/1/78

The following Central Act namely: The Insolvency Laws (Amendment) Act, 1978 (Act No. 28 of 1978) which was recently passed by the Parliament and assented to by the President of India on 4-8-1978 and published in the Gazette of India, Part II, Section I dated 5-8-1978 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 5th October, 1978.

The Insolvency Laws (Amendment) Act, 1978

AN

ACT

further to amend the Presidency-towns Insolvency Act, 1909 and the Provincial Insolvency Act, 1920.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Insolvency Laws (Amendment) Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of Act 3 of 1909.* — In the Presidency-towns Insolvency Act, 1909, —

(a) section 9 (excluding the *Explanation*) shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely: —

"(2) Without prejudice to the provisions of sub-section (1), a debtor commits an act of insolvency if a creditor, who has obtained a decree or order against him for the payment of money (being a decree or order which has become final and the execution whereof has not been stayed), has served on him a notice (hereafter in this section referred to as the insolvency notice) as provided in sub-section (3) and the debtor does

not comply with that notice within the period specified therein:

Provided that where a debtor makes an application under sub-section (5) for setting aside an insolvency notice —

(a) in a case where such application is allowed by the Court, he shall not be deemed to have committed an act of insolvency under this sub-section; and

(b) in a case where such application is rejected by the Court, he shall be deemed to have committed an act of insolvency under this sub-section on the date of rejection of the application or the expiry of the period specified in the insolvency notice for its compliance, whichever is later:

Provided further that no insolvency notice shall be served on a debtor residing, whether permanently or temporarily, outside India, unless the creditor obtains the leave of the Court therefor.

(3) An insolvency notice under sub-section (2) shall —

(a) be in the prescribed form;

(b) be served in the prescribed manner;

(c) specify the amount due under the decree or order and require the debtor to pay the same or to furnish security for the payment of such amount to the satisfaction of the creditor or his agent;

(d) specify for its compliance a period of not less than one month after its service on the debtor or, if it is to be served on a debtor residing, whether permanently or temporarily, outside India, such period (being not less than one month) as may be specified by the order of the Court granting leave for the service of such notice;

(e) state the consequences of non-compliance with the notice.

(4) No insolvency notice shall be deemed to be invalid by reason only that the sum specified therein as the amount due under the decree or order exceeds the amount actually due, unless the debtor, within the period specified in the insolvency notice for its compliance, gives notice to the creditor that the sum specified in the insolvency notice does not correctly represent the amount due under the decree or order:

Provided that if the debtor does not give any such notice as aforesaid, he shall be deemed to have complied with the insolvency notice if, within the period specified therein for its compliance, he takes such steps as would have constituted a compliance with the insolvency notice had the actual amount due been correctly specified therein.

(5) Any person served with an insolvency notice may, within the period specified therein for its compliance, apply to the Court to set aside the insolvency notice on any of the following grounds, namely: —

(a) that he has a counter-claim or set off against the creditor which is equal to or is in

excess of the amount due under the decree or order and which he could not, under any law for the time being in force, prefer in the suit or proceeding in which the decree or order was passed;

(b) that he is entitled to have the decree or order set aside under any law providing for the relief of indebtedness and that —

(i) he has made an application before the competent authority under such law for the setting aside of the decree or order; or

(ii) the time allowed for the making of such application has not expired;

(c) that the decree or order is not executable under the provisions of any law referred to in clause (b) on the date of the application.”;

(b) in section 112, in sub-section (2), after clause (m), the following clause shall be inserted, namely: —

“(mm) the form of the insolvency notice under clause (a), and the manner in which such notice may be served under clause (b), of sub-section (3) of section 9.”.

3. *Amendment of Act 5 of 1920.* — In the Provincial Insolvency Act, 1920, —

(a) section 6 (excluding the *Explanation*) shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely: —

“(2) Without prejudice to the provisions of sub-section (1), a debtor commits an act of insolvency if a creditor, who has obtained a decree or order against him for the payment of money (being a decree or order which has become final and the execution whereof has not been stayed), has served on him a notice (hereafter in this section referred to as the insolvency notice) as provided in sub-section (3) and the debtor does not comply with that notice within the period specified therein:

Provided that where a debtor makes an application under sub-section (5) for setting aside an insolvency notice —

(a) in a case where such application is allowed by the District Court, he shall not be deemed to have committed an act of insolvency under this sub-section; and

(b) in a case where such application is rejected by the District Court, he shall be deemed to have committed an act of insolvency under this sub-section on the date of rejection of the application or the expiry of the period specified in the insolvency notice for its compliance, whichever is later:

Provided further that no insolvency notice shall be served on a debtor residing, whether permanently or temporarily, outside India, unless the creditor obtains the leave of the District Court therefor.

(3) An insolvency notice under sub-section (2) shall —

(a) be in the prescribed form;

(b) be served in the prescribed manner;

(c) specify the amount due under the decree or order and require the debtor to pay the same or to furnish security for the payment of such amount to the satisfaction of the creditor or his agent;

(d) specify for its compliance a period of not less than one month after its service on the debtor or, if it is to be served on a debtor residing, whether permanently or temporarily, outside India such period (being not less than one month) as may be specified by the order of the District Court granting leave for service of such notice;

(e) state the consequences of non-compliance with the notice.

(4) No insolvency notice shall be deemed to be invalid by reason only that the sum specified therein as the amount due under the decree or order exceeds the amount actually due, unless the debtor, within the period specified in the insolvency notice for its compliance, gives notice to the creditor that the sum specified in the insolvency notice does not correctly represent the amount due under the decree or order:

Provided that if the debtor does not give any such notice as aforesaid, he shall be deemed to have complied with the insolvency notice if, within the period specified therein for its compliance, he takes such steps as would have constituted a compliance with the insolvency notice had the actual amount due been correctly specified therein.

(5) Any person served with an insolvency notice may, within the period specified therein for its compliance, apply to the District Court to set aside the insolvency notice on any of the following grounds, namely: —

(a) that he has a counter-claim or set-off against the creditor which is equal to or is in excess of the amount due under the decree or order and which he could not, under any law for the time being in force, prefer in the suit or proceeding in which the decree or order was passed;

(b) that he is entitled to have the decree or order set aside under any law providing for the relief of indebtedness and that —

(i) he has made an application before the competent authority under such law for the setting aside of the decree or order; or

(ii) the time allowed for the making of such application has not expired;

(c) that the decree or order is not executable under the provisions of any law referred to in clause (b) on the date of the application.”;

(b) in section 79, in sub-section (2), clause (a) shall be relettered as clause (aa) thereof, and before clause (aa) as so relettered, the following clause shall be inserted, namely: —

“(a) the form of the insolvency notice under clause (a), and the manner in which such notice may be served under clause (b), of sub-section (3) of section 6;”.

Notification

LD/5354/78

The following Notification received from the Government of India, Ministry of Labour New Delhi is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 18th October, 1978.

GOVERNMENT OF INDIA

(BHARAT SARKAR)

MINISTRY OF LABOUR

(SHRAM MANTRALAYA)

Dated New Delhi, the 14th July, 1978

Notification

G. S. R. — In exercise of the powers conferred by section 6C read with sub-section (1) of section 7 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby makes the following scheme further to amend the Employees Deposit-Linked Insurance Scheme, 1976, namely: —

1. (1) This Scheme may be called the Employees Deposit-Linked Insurance (Second Amendment) Scheme, 1978.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Employees Deposit-Linked Insurance Scheme, 1976, to sub-paragraph (1) of paragraph 7, the following provision shall be added, namely: —

“Provided that where the monthly pay of an employee exceeds one thousand and six hundred rupees, the contribution payable in respect of him by the employer and the Central Government shall be limited to the amounts payable on a monthly pay of one thousand and six hundred rupees including dearness allowance, retaining allowance (if any) and cash value of food concession.”

(No. S-70011(1)/76-PF-II)

Sd/-

S. S. SAHASRANAMAN

Deputy Secretary

Notification

LD/5567/78

The following Notification received from the Government of India, Ministry of Labour, New Delhi is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 18th October, 1978.

GOVERNMENT OF INDIA

(BHARAT SARKAR)

MINISTRY OF LABOUR

(SHRAM MANTRALAYA)

Dated, New Delhi, the 22/8/78

Notification

S. O. — In pursuance of clause (a) of sub-section (3A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby directs that the employers in relation to an establishment or any person or class of persons exempted under sub-section (2A) of sub-section (3A) of section 17

of the said Act, shall pay to the Insurance Fund, inspection charges at the rate of zero point zero two percent (0.02%) of the aggregate of the basic wages, dearness allowance (including the cash value of any food concession and retaining allowance, if any, for the time being payable to the employees of the establishment or receivable by the persons or class of persons, as the case may be, in respect of which contributions would have been payable but for such exemption, within fifteen days of the close of every month.

(No. S.35014(43)/76-PF-II)

Sd/-

(S. S. SAHASRANAMAN)

Deputy Secretary